

**DURKIN & DURKIN, LLC**

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September 27, 2024

Honorable Taryn A. Merkl, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: Algarin, Joey v. Waste Management Solutions LLC**  
**Docket No.: 1:24-cv-05379-RER-TAM**  
**Our File No.: 1510-1348**

Dear Judge Merkl:

Our firm represents Waste Management of New York, LLC (“WMNY, LLC”) as to the above captioned matter. Please accept the following as a further Submission in response to your Orders of August 8, 2024, and of September 20, 2024, the cumulative effect of which was to direct the parties to “... file their anticipated stipulation and, if Plaintiff agrees to release Defendant WM from this lawsuit, Plaintiff must also file a notice of voluntary dismissal as to Defendant WM.”

Our office on behalf of WMNY, LLC and plaintiff’s counsel have been engaged in discussions concerning the language of the above referenced stipulation directed at the issue of whether WM Solutions, Inc. (“WM”) is an improper party in this case. WMNY, LLC has been willing to stipulate WMNY, LLC operated a Transfer Station at the subject location, 325 Yonkers Avenue, in Yonkers New York, and WM had no relationship to WMNY, LLC and no role at no involvement or role at the subject location. This direct factual stipulation settles the issue concerning which the Court is concerned, i.e. whether WM is an improper party. Instead of accepting this stipulation, counsel for plaintiff has improperly insisted WMNY, LLC go beyond this language in the stipulation and stipulate WMNY, LLC owned, controlled the location and performed the work involved in the accident.

As a result of the above, WMNY, LLC asserts WMNY, LLC has met its burden of establishing WM is an improper party in this case. WMNY, LLC further asserts the record, including the representations of plaintiff’s counsel as to plaintiff’s injuries, establishes it is reasonable for the Court to conclude this case has a full value in excess of \$75,000.00. Considering these facts, this Court has jurisdiction over this case and should maintain the case on the docket.

Thank you very much for the opportunity to address this issue.

Respectfully submitted,

**DURKIN & DURKIN, LLC**

By: /s/ Stephen M. Knudsen  
Stephen M. Knudsen

SMK/ea  
Enclosure